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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,854	11/23/1999	BARBARA L. FOX	1850	5528

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EXAMINER

ZAND, KAMBIZ

ART UNIT	PAPER NUMBER
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2132

18

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/448,854

Applicant(s)

FOX ET AL.

Examiner

Kambiz Zand

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-21, 23-27, 29-46, 49-52 and 55-68 is/are rejected.
- 7) ☒ Claim(s) 10, 22, 28, 47, 48, 53 and 54 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claims 1, 14, 23, 29, 31, 42 and 48-68 have been amended.
4. Claims 1-68 are pending.
5. Examiner withdraws objection to the drawings and specification due to correction by the applicant.
6. Examiner withdraws objection of claims 48-68 due to correction by the applicant.

### ***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.
  - In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the second certificate having a representation of the issuer name and the subject name of the first certificate" see page 22, lines 15-17 of the response) are not recited in the rejected claim(s) 1, 14, 23, 29, 35, 42, 45, 46, 56 and 63.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's amendment only reflects that a certificate contains an issuer name and subject name, a well-known process in the art of issuing certificate by a certificate authority.

Examiner withdraws the rejection of claims 10, 22, 28, 47, 48, 53 and 54 due to Applicant's arguments/amendment and in the light of the specification.

### ***Double Patenting***

8. **Claim 58** is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 59. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).
9. **Claim 61** is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 62. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 102***

**10. Claims 1-7, 14-21, 23-27, 29-45 and 56-68** are rejected under 35 U.S.C. 102(e) as being anticipated by Perlman et al (6,230,266 B1).

**As per claim 1** Perlman et al (6,230,266 B1) teach a computer-readable medium having computer executable instructions, comprising: receiving a first transaction request in association with a first certificate issued by a certificate authority (see col.5, line 67; col.6, lines 1-4); communicating with a status authority to query for current status information on the first certificate (see col.6, lines 1-4 where OLRS is the status authority); and receiving a second certificate from the status authority indicating the current status of the first certificate (see col.6, lines 8-13 where the OLRS as an status authority on behalf of CA provide a certificate in response to the query by principal with respect to the first certificate to give the status of certificate and if it is revoked). Also see col.5-11 for detailed description.

**As per claims 2, 24 and 43** Perlman et al (6,230,266 B1) teach the method and the computer-readable medium of claims 1, 23 and 42 wherein the certificate authority comprises the status authority (see col.12, lines 3-12 where all nodes could become one node doing different processes such as issuing certificate and verifying the status of a certificate ).

**As per claims 3 and 25** Perlman et al (6,230,266 B1) teach the method and the computer-readable medium of claims 1 and 23, wherein the status authority comprises an agent authorized to act on behalf of the certificate authority (see col.6, lines 8-14).

**As per claim 4** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 1, wherein the transaction request is received from an end entity, and having further computer executable instructions comprising, transmitting information including the second certificate to the end entity (see col.6, lines 8-10).

**As per claim 5** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 4, wherein the information including the second certificate is transmitted to the end entity along with a response to the transaction request (see col.6, lines 8-14 where the response is the information on the certificate).

**As per claim 6** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 4, wherein the information including the second certificate is transmitted to the end entity along with at least one digital signature (see col.6, lines 4-14 where the OLRS is capable of also signing the result of the inquiry).

**As per claim 7** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 1 having further computer executable instructions comprising, transmitting the first

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certificate and the second certificate to a remote party along with a second transaction request (see fig.3; col.6; col.7, lines 1-46 where more than one status agents and CA are present and where as described in col.6, lines 1-14 all capable of issuing signed certificate and transmitting it to each other).

**As per claim 14** Perlman et al (6,230,266 B1) teach a computer-readable medium having computer executable instructions, comprising: receiving a query from a relying party for current status information on a first certificate; and issuing a data structure including a second certificate indicating the current status of the first certificate (see col.5, line 67; col.6, lines 1-27). Also see col.5-11 for detailed description.

**As per claim 15** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 14, having further computer executable instructions comprising transmitting the data structure to the relying party (see col.6, lines 1-14).

**As per claim 16** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 14, wherein the data structure comprises an extension designating the second certificate as being an indication of the current status of the first certificate (see col.6, lines 1-14).

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**As per claims 17, 34** Perlman et al (6,230,266 B1) teach the computer-readable medium of claims 14 and 29, wherein the data structure further comprises policy information (see col. 9, lines 14-24; col.10, lines 14-63).

**As per claims 18, 33** Perlman et al (6,230,266 B1) teach the computer-readable medium of claims 17 and 29, wherein the data structure further includes information regarding evidence submitted to satisfy a policy of the relying party (see col.9, lines 41-45).

**As per claim 19** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 14, wherein the data structure comprises policy-related information that qualifies the second certificate (see col.6, lines 1-14; col.9; col.10, lines 1-67).

**As per claim 20** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 14, wherein the data structure further comprises success or failure information regarding the second certificate (see col.7, lines 47-59) .

**As per claim 21** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 14, wherein the data structure comprises information regarding a validity period of the second certificate (see col.7, lines 60-65).



**As per claim 23** Perlman et al (6,230,266 B1) teach a method for performing electronic commerce, comprising, receiving, at a certificate authority, a first request for a certificate; verifying whether the certificate should be issued, and if so, issuing the certificate; receiving a second request at a status authority for status information about the certificate; and issuing a reissue certificate including the status information (see col.6, lines 1-50; col.10, lines 57-63).

**As per claim 26** Perlman et al (6,230,266 B1) teach the method of claim 23 wherein the first request is provided by an end entity (see fig.2; col.6, lines 1-14).

**As per claim 27** Perlman et al (6,230,266 B1) teach the method of claim 23 wherein the second request is provided by a relying party (see col.6, lines 1-50).

**As per claim 29** Perlman et al (6,230,266 B1) teach a method for performing electronic commerce, comprising: receiving a certificate at an end entity; providing the certificate to a relying party; and receiving a receipt at the end entity from the relying party, the receipt including status information about the certificate (see col.5, line 67; col.6, lines 1-50).

**As per claim 30** Perlman et al (6,230,266 B1) teach the method of claim 29 further comprising, requesting the certificate from a certificate authority (see col.6, lines 1-50).

**As per claim 31** Perlman et al (6,230,266 B1) teach the method of claim 29 wherein the status information is provided by a status authority as applied to claim 1 above.

**As per claim 32** Perlman et al (6,230,266 B1) teach the method of claim 29 further comprising, requesting a certificate from a certificate authority, and wherein the status information is provided by the certificate authority as applied to claim 1 above and col.12, lines 3-14).

**As per claims 35-45 and 56-68** Perlman et al (6,230,266 B1) teach a method for performing electronic commerce, comprising, receiving a certificate with a request to perform a transaction; communicating with a status authority to request status information about the certificate; receiving a reissue certificate including the status information in response to the request; and deciding whether to perform the transaction based on the status information as applied to claims 1-34 above; also see col.6-11; col.12, lines 1-14).

***Claim Rejections - 35 USC § 103***

**11. Claims 8, 9 and 11-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman et al (6,230,266 B1).

**As per claim 8, 9 and 11-13** Perlman et al (6,230,266 B1) teach all limitation of the claim as applied to claim 1 above but do not disclose explicitly a third certificate comprising a record of a response to a status request of the first certificate; and a fourth certificate from the remote party indicating the current status of at least one of the first, second, and third certificates and transmission between the two parties that issuing the third and fourth certificate and the remote or end entity.

Perlman in col.6-11 and col.12, lines 1-14 as applied to the claims above disclose CA issuing a certificate; an entity or principal or a remote entity request a query with respect to the certificate (first certificate); the query is being sent to a OLRS an agent that checks on the status of the certificate on the behalf of CA, col.12, lines 3-12 describes that OLRS and CA could be the same node or entity doing the different process; the OLRS or CA if is the same node as OLRS issues a certificate (second certificate) in response to principal and transmit it to the principal giving the result of the status of the first certificate. Therefore it would have been obvious to one of ordinary skilled in the art at the time invention was made that Perlman's certification status check could be a repeated process between the two entity CA and OLRS where upon receiving the second certificate CLRS on the request of principal request a re-issue certificate (third certificate) from CA as being thought in perlman (col.8-14 where OLRS may provide number of certificates to principal) and sending the re-issue certificate to principal by certifying the reissue certificate (fourth certificate). Therefore the question of third and fourth certificate is the question of more communications between the two entity seeking verifiable information by certifying the content of each

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communication between them; a repeated process that would have been obvious to one of ordinary skilled in the art with respect to Perlman's teaching.

**12. Claims 46, 49-52 and 55** are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman et al (6,230,266 B1) in view of Powar (6,285,991 B1).

**As per claims 46, 49-52 and 55** Perlman in col.6-11 and col.12, lines 1-14 disclose CA issuing a certificate; an entity or principal or a remote entity request a query with respect to the certificate (first certificate); the query is being sent to a OLRS an agent that checks on the status of the certificate on the behalf of CA, col.12, lines 3-12 describes that OLRS and CA could be the same node or entity doing the different process; the OLRS or CA if is the same node as OLRS issues a certificate (second certificate) in response to principal and transmit it to the principal giving the result of the status of the first certificate. Therefore it would have been obvious to one of ordinary skilled in the art at the time invention was made that Perlman's certification status check could be a repeated process between the two entity CA and OLRS where upon receiving the second certificate CLRS on the request of principal request a re-issue certificate (third certificate) from CA as being thought in perlman (col.8-14 where OLRS may provide number of certificates to principal) and sending the re-issue certificate to principal by certifying the reissue certificate (fourth certificate). Therefore the question of third and fourth certificate is the question of more communications between the two entity seeking verifiable information by certifying the content of each

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communication between them; a repeated process that would have been obvious to one of ordinary skilled in the art with respect to Perlman's teaching. However Perlman is silent with respect to the first certificate and second certificate contains offer for transaction sale and that third certificate is a proof that the third party purchased the transaction and that the a fourth certificate contains a receipt of the purchase.

However Powar (6,285,991 B1) disclose secure interactive electronic account billing system where the certificate contents may include the transaction sales and the receipt of the transactions and billing related information (see abstract; fig.2,5,7a,8a and 10-11; col.4, lines 38-67; col.5, lines 1-6). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Powar's interactive electronic account statement certification in Perlman's authentication and process of certifying content of certification and its validity in order to have a secure interactive financial transactions between the customers, merchants, financial institutions, CA's and OLRs (acting on behalf of CA to verify the status of issued certificate by CA).

### ***Allowable Subject Matter***

Claims 10, 22, 28, 47, 48, 53 and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

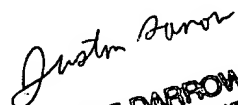
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (703) 306-4169. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kambiz Zand

07/08/04

  
JUSTIN T. DARROW  
PRIMARY EXAMINER